

## **REMARKS**

### ***Status of the claims***

Claims 1, 3, 5-9, 11-21, 23-27, 29-34, and 36-42 were pending in the present application. By virtue of this response, claims 1, 5, 12, 14, 15, 17, 18, 21, 24, 25, 26, 30, 33, 34, and 36 have been amended. Accordingly, claims 1, 3, 5-9, 11-21, 23-27, 29-34, and 36-42 are currently under consideration.

Support for the claim amendments may be found in the specification. Support for the amendments referring to claimed compositions as liquids is provided, for example, on page 8, line 8. Support for the amendments referring to claimed percentages as “by weight” is provided, for example, on page 8, lines 34-35. The amendments referring to a “corresponding” composition as lacking the claimed high molecular weight polymer are supported, for example, on page 7, lines 1-3.

With respect to any claim amendments or cancellations, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

### ***Interview Summary***

Applicants would like to thank Examiner Hanley for conducting a telephonic interview with Applicants’ representative and co-inventors Todd Becker and Debbie Winetzky on November 6, 2008 and for the helpful discussion that ensued. The pending claims and the rejections in the currently-pending Office Action were discussed.

### ***Information Disclosure Statement***

The Examiner states that the Information Disclosure Statement (IDS) filed on July 23, 2007 has not been considered because the fee set forth in 37 C.F.R. §1.17(p) was not paid. Applicants respectfully note that no fee was due because the Information Disclosure Statement was filed with a Request for Continued Examination. According to 37 C.F.R. §1.97(b)(4), an

Information Disclosure Statement will be considered by the Office if it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination. No fee is due if the Information Disclosure Statement is filed within this time period.

***Rejections under 35 U.S.C. §112, second paragraph***

Claims 1, 3, 12, 14, 15, 17, 21, 23, 30 34, and 36 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite due to recitation of the term “about.” During the telephonic interview on November 6, 2008, the Examiner stated that this rejection is moot.

Claims 1, 3, 12, 14, 15, 17, 21, 23, 30, 34, and 36 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because they do not define the recited percentages as “by weight,” “by volume,” or some other unit. The claims have been amended herein to recite that the percentages therein are “by weight” of the claimed compositions, thereby rendering this rejection moot. Applicants note that claim 21 already recited percentages as “wt%,” so this claim has not been amended to recite “by weight.”

***Rejection under 35 U.S.C. §103(a)***

Claims 1, 3, 5-9, 11-21, 23-27, 29-34, and 36-42 are rejected under 35 U.S.C. §103(a) as allegedly unpagentable over Gebreselssie et al. (U.S. Patent No. 6,379,654), in view of Kiozpeoplou (U.S. Patent No. 4,407,788) and Tseng et al. (U.S. Patent No. 5,340,581). Applicants respectfully traverse this rejection.

A *prima facie* case of obviousness requires, *inter alia*, that references when combined must teach or suggest all elements of the rejected claims. MPEP §2143.A. “All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP§2143.03, citing *In re Wilson*, 424 F.2d 1382 (CCPA 1970). In the instant case, none of the cited references, either singly or in combination, teaches or suggests the claimed reduced aerosol or anti-misting properties of the claimed formulated personal care and cleaning products or the claimed limitation of increase in the  $Dv_{50}$  of the formulated personal care or cleaning products by 10 - 200% over corresponding non-formulated personal care or cleaning products.

Thus, a *prima facie* case of obviousness cannot be established with the three references cited in the Office Action.

However, in accordance with the discussion with Examiner Hanley on November 6, 2008, and solely to expedite prosecution, the claims have been further amended herein to recite that the claimed reduced aerosol personal care and cleaning products are liquids. The references cited in the Office Action do not teach liquid compositions.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a).

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 07-1048, referencing Docket No. GC761-6. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 4, 2008

By /Jill A. Jacobson/  
Jill A. Jacobson  
Registration No.: 40,030

Genencor Division of Danisco US Inc.  
925 Page Mill Road  
Palo Alto, CA 94304-1013  
Tel: 650-846-4072  
Fax: 650-845-6504